

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW J. LAMBERT,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

CASE NO. C10-234-MJP-MAT

ORDER

The Court has reviewed the entire record, including the Administrative Record, the memoranda of the parties, the Report and Recommendation of United States Magistrate Judge Mary Alice Theiler, and Defendant's objections.

Judge Theiler found the Administrative Law Judge (ALJ) improperly evaluated Plaintiff's credibility and erred in posing a hypothetical to the vocational expert. (Dkt. No. 14.) Defendant objects and argues that the ALJ's adverse credibility determination was not based on whether Plaintiff's daily activities were transferable to the work place but on contradictions between Plaintiff's daily activities and his other testimony. (Dkt. No. 15.)

1 Having reviewed the Administrative Record, the Court finds Defendant's objections
2 without merit. While the ALJ briefly states Plaintiff's daily activities are "inconsistent with his
3 assertions of disabling symptoms," the ALJ evaluated Plaintiff's daily activities in detail with
4 respect to his capacity to work. (A.R. 501.) The ALJ did not articulate contradictions between
5 Plaintiff's daily activities and his assertions that he has Addison's disease and an anxiety
6 disorder. (Id.)

7 Because the ALJ considered the transferability of Plaintiff's daily activities but failed to
8 make the specific findings necessary for an adverse credibility determination, it is therefore

9 ORDERED:

10 (1) The Court adopts the Report and Recommendation;

11 (2) The Court REMANDS this matter for further administrative proceedings; and

12 (3) The Clerk shall direct copies of this Order to all counsel and to Judge Theiler.

13 Dated this 13th day of October 2010.

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16 Marsha J. Pechman
17 United States District Judge
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